

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MONT CLAIRE AT PELICAN MARSH  
CONDOMINIUM ASSOCIATION, INC.,

Plaintiff,

v.

Case No: 2:19-cv-601-FtM-38MRM

EMPIRE INDEMNITY INSURANCE  
COMPANY,

Defendant.

\_\_\_\_\_ /

**ORDER**<sup>1</sup>

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation (R&R) ([Doc. 32](#)), recommending the Court grant the parties' Joint Motion to Appoint Umpire and to Stay the Proceedings. ([Doc. 28](#)). No party objected to the R&R, and the time to do so has passed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#), [681 F.2d 732 \(11th Cir. 1982\)](#). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), [993 F.2d 776, 779 n.9 \(11th Cir. 1993\)](#), and the court may accept, reject, or modify, in whole

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or in part, the findings and recommendations. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration of the R&R and an independent review of the file, the Court accepts and adopts the R&R.

Accordingly, it is now

**ORDERED:**

1. United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 32](#)) is **ACCEPTED** and **ADOPTED** and incorporated into this Order. The Joint Motion to Appoint Umpire and to Stay the Proceedings ([Doc. 28](#)) is **GRANTED**.
  2. All proceedings in this case are **STAYED** until the parties advise the Court that appraisal has been completed. The parties must so notify the Court within **seven (7) days** of the appraisal proceedings concluding.
  3. The parties are **ORDERED** to file a joint status report regarding the status of appraisal **on or before March 23, 2020**, and every forty-five (45) days until the conclusion of the appraisal proceedings.
  4. Jon W. Doan is appointed as a neutral umpire for the appraisal in this case.
- DONE** and **ORDERED** in Fort Myers, Florida this 10th day of February, 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record